

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

JEFFREY J. BERNHARDT

Plaintiff,

vs.

COUNTY OF ERIE,  
DEPUTY JOHN DUNN, DEPUTY PAUL REED,  
DEPUTY KENNETH P. ACHTYL,

Defendants.

---

SUGGESTION OF DEATH

**Case No. 1:19-cv-01334-LJV-HKS**

**PLEASE TAKE NOTICE** pursuant to Fed. R. Civ. P. 25(a)(1), that plaintiff JEFFREY

J. BERNHARDT is believed to be deceased as of May 26, 2023.

Dated: Buffalo, New York  
May 31, 2024

Yours, etc.,  
JEREMY C. TOTH, Erie County  
Attorney and Attorney for Defendants,

/s/ Eric W. Marriott  
By: Eric W. Marriott, Esq.  
95 Franklin Street, Room 1634  
Buffalo, New York 14202  
Tel: (716) 858-2208  
Email: [Eric.Marriott@erie.gov](mailto:Eric.Marriott@erie.gov)

To: Michael T. Coutu, Esq.  
Attorneys for Plaintiff  
800 Cathedral Park Tower  
37 Franklin Street  
Buffalo, New York 14202  
Tel: (716) 854-2100  
Email: [ejanicz@lewislaw.com](mailto:ejanicz@lewislaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2024 I electronically filed with the clerk of the District Court using its CM/ECF system, and on the same date the court's CM/ECF system caused to be (electronically) served the foregoing to the following CM/ECF participants at the following (email) addresses:

Michael T. Coutu, Esq.  
Attorneys for Plaintiff  
800 Cathedral Park Tower  
37 Franklin Street  
Buffalo, New York 14202  
Tel: (716) 854-2100  
Email: [mcoutu@lewislaw.com](mailto:mcoutu@lewislaw.com)

Dated: Buffalo, New York  
May 31, 2024

Yours, etc.,  
**JEREMY C. TOTH, ESQ.**  
Erie County Attorney  
Attorney for Defendants,

By: /s/ Eric W. Marriott  
ERIC W. MARRIOTT, ESQ.  
Assistant Erie County Attorney  
Erie County Department of Law  
95 Franklin Street, Room 1634  
Buffalo, New York 14202  
Tel: (716) 858-2208  
Email: [Eric.Marriott@erie.gov](mailto:Eric.Marriott@erie.gov)